

Notice of Allowability

Application No.

10/806,845

Examiner

Fred A. Casca

Applicant(s)

BOESCH, BRIAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 21, 2006.
2. ☒ The allowed claim(s) is/are 1-5 and 12-38 with examiner's amendments to claims 1-3 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Elliott Light on September 28, 2006.

[Begin Audit]

IN THE CLAIMS:

Claims 1, 2, 3 and 12 have been amended as follows:

1. (currently amended) A system for locating a member of a group, wherein each member of the group comprises a portable wireless monitored device equipped with location means, the system comprising:
at least first portable wireless monitored device and a second portable wireless monitored device each equipped with location means, wherein the first and second portable wireless monitored devices are accessible via a wireless network; and
a server accessible via the wireless network, the sever adapted to:
receive location data from the first portable wireless monitored device and the second portable wireless monitored device;
establish a location rule for the first portable wireless monitored device,

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wherein the location rule comprises a proximity threshold relative to the second portable wireless monitored device and wherein the proximity threshold relative to the second portable wireless monitored device comprises a maximum allowable separation threshold;

determine whether the first portable wireless monitored device is in violation of the location rule established for the first portable wireless monitored device; and

in the event the first portable wireless monitored device in violation of the location rule established for the first portable wireless monitored device, report the location data of the first portable wireless monitored device directly to the first portable wireless monitored device.

2. (currently amended) The system of claim 1, wherein the server is further adapted to in the event the first portable wireless monitored device is in violation of the location rule established for the first portable wireless monitored device, report the location data of the first portable wireless monitored device directly to the second portable wireless monitored device.

3. (Currently Amended) The system of claim 1, wherein the first and second portable wireless monitored devices are a cell phone.

12. (Currently Amended) The system of claim 1, wherein the server is located on the second portable wireless monitored device.

[End Audit]

Claims 6-11 are cancelled.

Allowable Subject Matter

2. Claims 1-5 and 12-38 are allowed.

The following is an examiner's statement of reasons for allowance: Prior art of the record disclose a system for locating members of a group comprising at least a first and a second member wherein each member is equipped with a portable wireless monitored device with location means, and a server to receive location data from the first portable wireless monitored device and the second portable wireless monitored device. However, none of the cited prior art disclose or suggest directly or indirectly *"the location rule comprises a proximity threshold relative to the second portable wireless monitored device and wherein the proximity threshold relative to the second portable wireless monitored device comprises a maximum allowable separation threshold"* along with other elements of the claim.

Any comments necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

3. Any response to this Office Action should be mailed to:

U.S Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or Faxed to:

571-273-8300.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER